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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter Of)
)
Closed Captioning and) CC Docket No. 95-176
Video Description)
of Video Programming)

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Comments of
Association of Late-Deafened Adults (ALDA)

Introduction

The Association of Late-Deafened Adults (ALDA) submits these comments regarding the Notice of Inquiry of the Federal Communications Commission on closed captioning and video description of video programming.

Nature and History of ALDA

In 1987, a group of people who became deaf as adults got together in Chicago. Although most of them were total strangers who had never met or spoken to another deaf person, they found themselves comfortable with each other. There was a feeling of unspoken understanding, a special sensitivity, and patience with each other's communication difficulties. The good feelings of that evening led to more social gatherings and self-help support groups. That was the beginning of what is now known as the Association of Late-Deafened Adults (ALDA).

ALDA is a nonprofit organization which was incorporated under the laws of the State of Illinois in 1989. Today, ALDA's membership is international in scope. ALDA provides a program of self-help support, social activities, outreach, and advocacy for late-deafened adults, and works collaboratively with other organizations serving the needs of people with adult hearing loss.

Late-deafness does not mean deafness that occurred late in life. It simply means that it happened sometime after the development of speech and language. Late-deafness can occur suddenly or over a long period of time. It can result from a variety of causes, such as head injury, noise exposure, illness, acoustic neuromas, ototoxic drug reactions, and Meniere's syndrome.

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Regardless of the cause, late-deafened adults are no longer able to understand speech without visual clues or rely on their hearing as a means of receptive communication. Instead, late-deafened adults must depend on alternate modes of visual communication, such as speech reading, sign reading, and text reading.

Paragraph 9. Television Usage.

It should be pointed out that television probably plays an even greater role in the lives of late-deafened adults, given their inability to enjoy the benefits of other aural media, such as radio, and the general communications inaccessibility of movie theaters.

Paragraph 11. Nature and Importance of Benefits.

While watching television, captioning is for late-deafened adults what sound is for hearing individuals. Just as a hearing person derives little or no benefit from watching television with the volume off, a late-deafened adult derives little or no benefit from watching a program with no captions. Indeed, for late-deafened adults captioning is the critical component that provides information and enjoyment from news, education, and entertainment programming.

For late-deafened adults, becoming deaf represents a real loss in their lives. The loss of television information and entertainment is aggravated by the frustration of having once had easy and effortless access to those benefits as a hearing person and then having those benefits taken away by adult onset hearing loss. The resultant informational dependency may be psychologically devastating.

Captioning is an absolute necessity in order for late-deafened adults to derive any informational or entertainment benefit from television. Late-deafened adults cannot utilize assistive technology to enhance their understanding of the audio dialogue in TV programming. Rather, they must use visual information to provide that understanding, such as the information provided in the captions.

While estimates of the size of the deaf and hard of hearing population vary, the figure of 23 million probably grossly underestimates the size of that population. Census data necessarily is "self report" data, and many persons with hearing disability refuse to identify themselves as having a hearing disability. Indeed, public denial of this "invisible disability" is an all too common occurrence, and clearly results in underestimates of the size of that population.

Estimates of the size of the deaf population range from about 2 million to 4 million, and about 80 percent of these are late-deafened adults. For all deaf people, captioning is absolutely required to enjoy the benefits of television programming.

Paragraph 12. Nature and Extent of Potential Benefits.

Research and anecdotal evidence shows that captioning can help improve reading levels in several populations: individuals learning English as a second language, beginning readers, illiterate adults, remedial readers, and deaf and hard of hearing learners. It is also beneficial to all persons at various times for reasons of convenience, such as for use in noisy areas like airport terminals, restaurants, cocktail lounges, and bars or quiet ones such as hospitals, nursing homes, and offices.

Captions allow deaf and hard of hearing individuals to enjoy television viewing with other hearing members of their families, a benefit which is particularly applicable to late-deafened adults as almost always they are the only deaf person in their family. Captioning also allows late-deafened adults to maintain a partial understanding of the constantly changing culture which surrounds them -- in particular in relation to language use and musical lyrics.

Late-deafened parents find captioning invaluable in that it allows them to monitor the television programs that their hearing children watch.

Paragraph 14. Availability of Closed Captioning.

Broadcast networks such as ABC, NBC and CBS have almost 100% of all their network originated shows captioned. However, syndicated shows on network owned and operated affiliates are not all captioned. Networks like Fox and United Paramount Network (UPN) have agreed to 100% captioning during prime time, but others, like WB Network, do not have this commitment.

The basic cable networks are a different story. With the exception of CNN, Headline News and USA, there isn't any commitment to captioning. Other networks only caption programs because of government grant or sponsor money being available. Some even refuse free captioning. In fact, it is difficult getting them to reformat the captions on a captioned show that had to be reformatted for the cable network. This cost is about one-fourth the original. The reason many shows are getting captioned on cable is simply because of government money.

While the total number of cable shows that are captioned increases every year, the percentage of captioned shows remains small because the number of cable networks and shows have been increasing rapidly. The premium cable networks have a greater commitment toward captioning than do the other cable networks. HBO has their own captioning department and has made a commitment to eventually having all of their programs captioned.

Locally produced programs face the biggest obstacles when it comes to captioning. These shows have the least funding available, the least captioning knowledge among the staff, and the least access to captioning equipment. We are struck by the irony that it is generally easier for late-deafened adults to get access to televised information about a geographically remote national government and society than it is to get information about one's own local government and community.

For the most part, cable systems only retransmit what is sent to them. Cable systems shouldn't have to caption shows that they retransmit. This is the responsibility of the shows' originators. However, cable systems should have two responsibilities: (1) that they caption any shows that originate with them, and (2) that they take steps to ensure that the retransmission process doesn't strip the captions.

While the national news and emergency reports carried by the broadcast networks are captioned thanks to Department of Education grants, the same is not true for local news and emergency announcements. Those few that do have captioning have had to struggle to find a sponsor.

PROGRAM TYPE. The electronic newsroom, which at one time seemed to be the answer to the captioning problems for local news, has turned out to be almost the opposite. The local station which made an initial investment for equipment and software, feels their commitment ends there. They don't want to spend any more money on captioning. Yet, no one with a hearing loss is satisfied with this system. Very often most of a news story is left untold as they switch to the field for their news report. Besides anything from the field, weather and sports are also uncaptioned. All together, this is generally about half of the news broadcast. Emergencies remain uncaptioned. No one has the time, staff or patience to script the emergency on the computer so it can be transmitted with captions. These broadcasts are generally spontaneous, and the only way to have captions is for them to be real-time captions.

It is shocking that only some of CSPAN is captioned. This government channel should have 100 percent captioning. Any government channel or broadcast - national, state or local - should be completely captioned.

In addition, all commercials on television should be captioned. It is ludicrous that a sponsor will spend anywhere from a few thousand dollars for local spots to millions of dollars for national exposure and not spend about \$300 to caption it.

Furthermore, the concept of captioning everything on television includes announcements, trailers, highlights and previews.

Another problem area is voiceovers. Many shows that are captioned now are done on the unsweetened version. When the producer adds in extras and makes changes, it results in voiceovers being uncaptioned and portions with bad captions or none at all. They need to let the captioning agency know that they are making these changes so they can be captioned. It is a must that everything on the final, sweetened, version be captioned.

Computers and television will be merging in the near future, so that your television screen will be your computer monitor. Online movies, live video broadcasts, and CD-ROM's should all have captions.

Another concern is that in order to save money some stations might resort to real-time captioning of off-line shows, such as sitcoms, movies, etc. If this happens, some of the advances made through TDCA will be negated since all the captions will be scrolled.

PREVIOUS PUBLISHED PROGRAMMING. Previously Published Programs have a greater rate of being captioned if they were captioned originally. If a show was captioned on the first run, the cost of reformatting the captions because the show was reformatted is about one-fourth the original cost. Yet, many of these shows are not captioned when they are rebroadcast on cable or independent stations.

Department of Education grants have been most helpful in getting captions added to previously published programs that never before had captions.

Paragraph 18. Cost Issues.

Since 1990 the cost of captioning has been reduced, principally because of the growing competition among captioning service providers. Average captioning costs are now less than \$1,500 for a one-hour television program done off-line, and perhaps \$150 - \$800 for live captioning of a one-hour show. In any event, the cost of captioning now is almost insignificant, when considered relative to the total costs of television production.

Paragraph 19. Supply of Closed Captioning Services.

The supply of closed captioning services is now quite adequate to meet the need for captioning of all television programming, and the supply is certain to increase in the future. What may have once been a problem with the lack of a satisfactory geographical distribution of such services is no longer a problem as service providers now exist in all areas of the country.

The problem is not so much one of the lack of an adequate number of captioning service providers, as it is the uneven quality of the available services. There should be standards for real-time captionwriters, including a minimum rate of 200-250 words per minute with almost no errors. Off-line captioning should contain absolutely no errors.

Paragraph 20. Funding of Closed Captioning.

ALDA is very appreciative of the past support for captioning of television programming which has been provided by the Department of Education. Similarly, we wish to express our deep appreciation for the captioning sponsorship which has been provided in the past by supportive portions of the private and nonprofit sectors. Through the combined efforts of the public, private, and nonprofit sectors of society the amount of captioned television programming available has increased significantly over the past years.

However, the notable increase in captioned programming has not even kept up with the increase in the amount of television programming available to most consumers. With the tremendous expansion of cable and satellite services, the need for captioning is even greater today. The bottom line is simple. Every show on television must be captioned in order to provide access to this single most salient information and entertainment media in current American society.

The most reasonable way to do this is to make the cost of captioning a part of the program originator's operating costs -- just like video and audio costs are now. In the case of locally produced programming, such as local news and emergency broadcasts, the station is the originator and solely responsible for captioning. Their costs can be recouped by either adjusting their advertising rates or by seeking grants or special sponsorship.

Paragraph 21. Federal Funding.

As the Commission points out, the Federal government has played an important historical role in funding captioning. However, future levels of federal funding to provide captioning will most likely be reduced. This may not be all

bad, if it is combined with regulations which force a shift of funding support to the only sector which can realistically provide captioning of all television programming, namely, the private sector.

As federal funding for support of captioning shrinks, ALDA supports redirecting remaining funds in three ways: (1) for research to improve captioning technology, (2) to subsidize program originators who can show an "undue burden" from absorbing the costs of captioning, and (3) to reimburse local stations for captioning emergency broadcasts.

Paragraph 22. Closed Captioning.

ALDA has noted the increased visibility of deaf and hard of hearing actors and actresses on television, as well as the increased number of deaf roles in television programming. A small but noticeable number of commercials have targeted deaf and hard of hearing audiences. Deaf awareness in television programming has clearly increased in the years since the passage of the Americans with Disabilities Act of 1990 (ADA).

Similarly, what might be called "captioning awareness" has also noticeably increased in almost all sectors of society. Most owners and managers of public accommodations no longer respond to a request for a television with a decoder by giving a blank stare and uttering an uninformed comment like "What's that?" Most local TV stations when asked why they don't caption their local news now respond with an economic argument, rather than a "We don't know how to do that." Certainly there has been a response to the free-market forces which have played a part in increasing the amount of captioned television programming available.

However, one must always be conscious of the fact that free-market forces did little or nothing in the historical development of captioned programming. Were it not for the responsible leadership of PBS under federal funding it is questionable if persons who are deaf or hard of hearing would have ever been provided access to television programming.

Paragraph 27. The Application of Mandatory Requirements.

Mandatory captioning requirements must fall equally on both television delivery systems or providers (e.g., TV stations, networks, cable systems, SMATV operators, etc.) and program originators (producers or distributors). Program originators must ensure that their product is captioned, and program delivery systems must ensure that the products they transmit are captioned. In order to minimize cost and maximize quality, programs must be captioned during, not after, the process of production. And given that

reformatting is often required when programs are shown in different venues, the program providers and delivery systems must ensure that the captions are kept intact at all stages of the delivery process.

All parties must be given the clear and unequivocal message that captions are as integral to television programming as video and audio. All parties must have a legal responsibility to see that the captions are present and correctly accessible at all points of the production/distribution/delivery system chain.

Paragraph 29. Appropriate Balance.

Exemptions from the regulations requiring captioning of television programming should only be granted when a program producer can clearly show that an undue burden would result. And given that the cost of captioning is so insignificant relative to total production costs "undue burden" exemptions should be very rare.

Paragraph 30. Formula for Exemptions.

In general, the use of set formulas should be avoided as they too often tend to encourage "creative bookkeeping" in the programming industry. It is far too easy for skilled accountants to calculate costs in different ways, thus resulting in the potential for the captioning requirements to be lost in a maze of paper work.

Paragraph 31. Impractical or Unnecessary.

There is no program for which it is either impractical or undesirable to provide closed captioning. Whenever audio is present, there must be captioning provided. However, we recognize that for certain programming consisting of primarily orchestral music without lyrics the extent of the captioning may be small.

Existing contracts can always be amended to include captioning. Given that the cost of captioning is so insignificant relative to total production costs, existing contracts should not be used as an excuse to avoid captioning.

Paragraph 33. Accuracy of Captioning.

ALDA is pleased to see that the amount of captioned television has increased over the years. However, a great many problems still remain. Many audio segments are not captioned at all, and often captions are stripped or garbled. Although prime time programming is captioned, many spots during that time period are not. These include previews for the show about to be aired, recaps of previous episodes, coming attractions, and information provided

during station breaks. Further, open character generated announcements on such important information as election results, emergency warnings, school closings, and weather advisories are obscured. Care must be taken to ensure that one type of captioning does not obscure another type.

Another problem occurs on local news programs when the newscast is captioned with computer-generated captioning, also known as electronic newsroom captioning. This provides only the script for the news. Often captioning done this way is out of sync with the news report, lagging far behind or jumping way ahead of the anchor's delivery. Live shots, weather reports, spontaneous conversation between the anchorpersons and any other information not previously scripted is not captioned.

Captions are often stripped when the program goes from one provider to another. For example, if a prime time program with high quality captioning goes into syndication, often the film needs to be edited to fit into a smaller time frame. Although the visual scenes and the auditory track remain intact, editing parts of the film can remove captioning. Therefore the captioning needs to be reformatted every time it is edited. Editing is quite common. One program can go from the movie theater to premium cable to home video to syndication to basic cable or local stations. If editing occurs each step of the way, much of the captioning can be stripped by the time the program reaches its final destination. Each provider each step of the way must take steps to ensure that reformatting is done so that the captions remain intact.

Sometimes captions are stripped when the signal from the point of origin passes through a local provider. This results from an engineering monitoring error at the local provider.

Real-time captioning sometimes produces mistakes that are almost impossible to understand, given the phonetic basis of the technique. Sometimes these mistakes are extremely funny, as witnessed by the fact that in the past ALDA has given out prizes at its annual conference to people who submit the funniest "caption bloopers." While individual captioning errors may at times be very humorous, the fact that such a large number of real-time captioning mistakes are made is not at all funny. Rather, it once again serves to emphasize the important need for captioning standards.

Captioning needs to be thought of as integral to video programming. It needs to be part of the production process the same way sound is. When it is treated as essential, these problems will be reduced.

It is important that the Commission establish minimum standards for captioning. With the passage of the Telecommunications Act, the amount of captioned programs will greatly increase. While we applaud that progress, we are concerned that new captioning companies entering the market may not maintain high standards of quality. We propose that the FCC establish captioning guidelines to ensure high standards. Such guidelines should address whether captions should or should not be verbatim and whether captioning services or the individuals working for those services to caption programs should meet or exceed certain credentials. We propose these minimum guidelines to assist in developing these standards.

- * Individuals who depend on captioning must receive information about the audio portion of the program which is functionally equivalent to the information available through the program's soundtrack. Caption data and information contained in the soundtrack must be delivered intact throughout the entire program.

- * Captions should be provided with the style and standards which are appropriate for the particular type of programming that is being captioned. Grammar, timing, and placement should be appropriate.

- * Captions must be reformatted as necessary if the programs on which they have been included have been compressed or otherwise edited.

- * Captioning must remain intact as it moves through the distribution chain from its point of origin to the local video provider.

- * Open character generated announcements should not obstruct or be obstructed by closed captions. In promulgating minimum standards, the Commission should set up a committee consisting of deaf and hard of hearing consumers, captioning services, the electronics industry, and video producers, programmers, and owners to participate in a regulatory negotiated rulemaking for the purpose of developing comprehensive standards for the provision of high quality captioning services.

Paragraph 34. Transition.

We support the target of having 100 percent of television programs captioned subject to the undue burden limitation, but recognize that this goal will not be met immediately. Mandatory captioning for all new television programming and for previously published programming that once had captions but don't now should become effective immediately when these regulations are issued. Reruns should be given one year to be captioned or immediately if they are reformatted or

remastered. Emergency announcements and local news programs should have 90 days to become real-time captioned.

Paragraph 35. Strategies to Improve Competition.

Once standards are set for captionwriters and captioning, market forces will determine the price. As we have indicated previously, captioning costs should be treated the same way as the cost for any other programming component is treated.

Conclusion

The Association of Late-Deafened Adults (ALDA) thanks the Federal Communications Commission for the opportunity to comment on the captioning of video programming. We applaud the FCC's commitment to making access to telecommunications services a reality for all Americans.

Respectfully submitted,

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